

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOVAGOLD RESOURCES, INC.

Plaintiff,

- against -

J CAPITAL RESEARCH USA, LLC,

Defendant.

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Oral Argument Requested

Index No. 1:20-cv-02875-LDH-PK

**NOTICE OF CROSS-MOTION BY
DEFENDANT J CAPITAL
RESEARCH USA, LLC FOR A
PROTECTIVE ORDER PURSUANT
TO THE REPORTER'S PRIVILEGE
UNDER NEW YORK CIVIL RIGHTS
LAW §79–h, etc.**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Anne Stevenson-Yang and exhibits annexed thereto, the accompanying Memorandum of Law, and all prior papers and proceedings, *Defendant J Capital Research USA, LLC* (“JCap”), by its attorneys, will move this Court, before the Honorable Peggy Kuo as soon as counsel can be heard, for a Protective Order pursuant to New York Civil Rights Law §79–h, the New York and U.S. Constitutions and other applicable common law barring and limiting the discovery demands of Plaintiff Novagold Resources, Inc. (“Novagold”) that are the subject of its pending Motion To Compel and related discovery demands which seek both confidential and non-confidential news, communications about news as well as other editorial materials; and protecting against disclosure of the identities of persons to whom JCap has promised confidentiality and/or anonymity in connection with JCap’s “*Pipe Dream*” Report. The protective order is also sought on the basis of the anonymous speech protections of the U.S. and New York State constitutions and any other applicable state statutes and constitutional norms. JCap makes this Cross-Motion on the grounds that it is a professional news organization, that it reports on publicly traded companies such as Novagold, providing news to the public about such businesses, that its reporting on and news about

Novagold engages matters of public interest and concern; that JCap has promised confidentiality and anonymity to a number of third parties with whom it communicated in the course of preparing its reporting and wishes to honor those commitments and obligations, and that JCap also wishes to protect its news, news gathering materials, and communications regarding them pursuant to its rights under the Reporter's Privilege. JCap also seeks such other and further relief as the Court deems just and proper.

Dated: New York, New York
June 9, 2021

MILLER KORZENIK SOMMERS RAYMAN LLP

By: /s/ David S. Korzenik

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